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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,039	12/02/2003	Stig Soerensen	40473-0014	4692
26633	7590	03/29/2006	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP 1717 RHODE ISLAND AVE, NW WASHINGTON, DC 20036-3001			WEIER, ANTHONY J	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RESTRICTION REQUIREMENT

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-29, 74-83, and 89 drawn to an apparatus/plant for hydrolyzing a protein-containing raw material, classified in class 99, subclass 485. (It should be noted that claim 89 is an improper hybrid claim since it overlaps into two different statutory classes of invention. MPEP § 2173.05(p). For the purpose of restriction same is taken to be an apparatus claim).
 - II. Claims 30-65 and 84-86, drawn to a method for hydrolyzing a protein-containing raw material, classified in class 426, subclass 656.
 - III. Claims 66-73, 87, and 88, drawn to a hydrolyzing product of a protein-containing raw material, classified in class 426, subclass 656.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II/III and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus may be used for treating eggs wherein same are ground and heat treated during extrusion (e.g. pasteurizing), cooled in an inactivation area, and provided to a separation area wherein the shell is separated from proteinaceous egg.
3. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the

process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product may be made by a process wherein a reaction mixture is chemically rather than enzymatically hydrolyzed.

4. Because these inventions are distinct for the reasons given above and the search area and search strategy required for any one of the groups is not the same as that required for any other group, restriction for examination purposes as indicated is proper.
5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

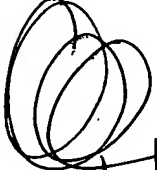
Art Unit: 1761

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Monday-Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at 571-272-1398. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3602 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

Anthony Weier
March 21, 2006

Anthony Weier
Primary Examiner
Art Unit 1761


3/21/06